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9 Attorneys for the United States of America
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) No. CR 13-00195 DLJ
15 Plaintiff,)
16 v.) STIPULATION AND ~~PROPOSED~~
17 VICTOR HERREJON-VEGA,) ORDER RESCHEDULING HEARING
18 Defendant.) DATE AND EXCLUDING TIME UNDER
19 _____) THE SPEEDY TRIAL ACT

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21 STIPULATION

22 The United States, by and through Special Assistant United States Attorney Meredith J.
23 Edwards, and defendant Victor Herrejon-Vega, by and through Assistant Federal Public
24 Defender Diana Garrido, hereby stipulate that, with the Court's approval, the status hearing
25 currently set for Thursday, April 25, 2013, at 9:00 a.m., be vacated and rescheduled for Thursday,
26 May 2, 2013, at 9:00 a.m.

27 The rescheduling is requested to provide counsel for both the government and the
28 defendant with additional time to conduct further review the discovery and to negotiate an

1 appropriate disposition. The continuance would provide both parties with the reasonable time
2 necessary for effective preparation. Further, government counsel will be out of town on April 25,
3 2013, and therefore will be unavailable for the currently scheduled status conference on that date.

4 Both parties respectfully request that the time between April 25, 2013 and May 2, 2013
5 be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
6 preparation and continuity of counsel.

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8 Dated: April 22, 2013

/s/
MEREDITH J. EDWARDS
Special Assistant United States Attorney

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11 Dated: April 22, 2013

/s/
DIANA A. GARRIDO
Assistant Federal Public Defender

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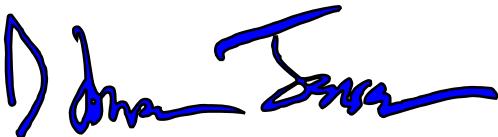
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1 **[PROPOSED] ORDER**

2 Pursuant to the agreement and stipulation of the parties, the Court hereby orders that the
3 status hearing in this case, previously scheduled for April 25, 2013, at 9:00 a.m., be vacated and
4 rescheduled for May 2, 2013, at 9:00 a.m. The Court further orders that the time between April
5 25, 2013 and May 2, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court
6 finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested
7 continuance would unreasonably deny counsel reasonable time necessary for effective
8 preparation, taking into account the exercise of due diligence. The Court further finds that the
9 failure to grant the requested continuance would unreasonably deny the government continuity of
10 counsel. The Court finds that the ends of justice served by granting the requested continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore
12 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
13 (B)(iv).

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15 IT IS SO ORDERED.

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17 DATED: 1 EOD BH



18 THE HONORABLE D. LOWELL JENSEN
19 United States District Judge

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